

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Criminal Action No. 06-117-GMS
)	
EVA D. GODSELL,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF SCHEDULING CONFERENCE

COMES NOW the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Edmond Falgowski, Assistant United States Attorney for the District of Delaware, and requests that the Court continue indefinitely the scheduling conference in this matter. In support of this motion, the United States submits the following:

1. A scheduling conference was scheduled for January 31, 2007. On January 30, 2007, the Court continued the conference when defense counsel, Solomon Fisher, Esquire, became ill.
2. On January 30, 2007, the Government agreed to Mr. Fisher's request that the Government open its file for review by Mr. Fisher's accountant. Mr. Fisher and the Government have had plea discussions and expect to continue doing so.
3. The United States requests that any scheduling conference be continued indefinitely so as to facilitate plea negotiations, including the review of the Government's file by the defendant's accountant.

4. The United States is prepared to submit to the Court monthly status reports.

5. The Speedy Trial Act provides that the Court may exclude time under the Act "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). The United States submits that the requested delay of a scheduling conference is excludable under the Act.

6. The United States has reviewed this motion and proposed Order with Solomon Fisher, Esquire, counsel for defendant, and Mr. Fisher has no objection to the motion and is in agreement with the proposed Order.

WHEREFORE, the United States respectfully requests that the Court continue indefinitely the scheduling conference so as to facilitate a review of the Government's file by the defendant's accountant, which should advance plea negotiations, and further requests that the Court exclude the relevant time, beginning January 30, 2007, under the Speedy Trial Act.

COLM F. CONNOLLY
United States Attorney

By: 

Edmond Falgowski
Assistant United States Attorney

Dated: 1-31-07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVA D. GODSELL,

Defendant.

Criminal Action No. 06-117-GMS

ORDER

WHEREAS, the United States has made a request that the Court continue indefinitely the scheduling conference originally scheduled for January 31, 2007, as the parties are engaged in plea negotiations, including a review of the Government's file by the defendant's accountant; and

WHEREAS, under the Speedy Trial Act the parties waive the relevant period of delay,

IT IS ORDERED this _____ day of _____, 2007, that the scheduling conference is continued indefinitely; and

IT IS FURTHER ORDERED that the United States will provide the Court with a monthly status report commencing no later than 30 days from the date of this Order; and

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(8)(A), the delay commencing January 30, 2007, and resulting from this Order is excludable in computing the time within which the defendant's trial must be commenced under the Speedy Trial Act.

Honorable Gregory M. Sleet
United States District Court

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 06-117-GMS
)	
EVA D. GODSELL,)	
)	
Defendant.)	

I, Sharon L. Bernardo, employee with the United States Attorney's Office, hereby certify that on January 30, 2007, I served the foregoing:

MOTION FOR CONTINUANCE OF SCHEDULING CONFERENCE

by causing two copies of said document to be placed in a postage prepaid envelope, placed in the United States Mail, addressed to counsel of record, and also to be telefaxed to counsel of record as follows:

Solomon Fisher, Esquire
3200 Mellon Bank Center
1735 Market Street
Philadelphia, PA 19103-7595
Telefax: 215-575-7200

